

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD SLEZAK,

No. C-05-3537 MMC

Plaintiff,

**ORDER DENYING PLAINTIFF'S EX  
PARTE MOTION FOR DECLARATORY  
RELIEF**

v.

TCIF, et al.,

Defendants

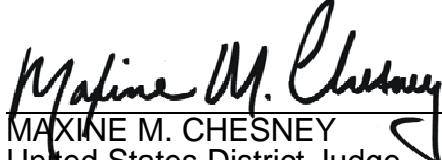
The Court is in receipt of plaintiff Richard Slezak's "Exparte Motion: Declaring the Assignment by IndyMac to TCIF withdrawn, rescinded, and voided," filed June 23, 2006. In his complaint, plaintiff seeks a declaration that TCIF does not have any interest in the subject real property. Consequently, plaintiff's motion is, in essence, a motion for summary judgment, irrespective of how he has titled the motion.

Plaintiff requests that the motion be heard on shortened time, specifically "on June 23, 2006 or as soon as possible thereafter," (see Pl.'s Mot., caption), and, as noted, as an ex parte motion. Plaintiff, however, fails to show good cause either for hearing the matter on shortened time or ex parte.

Accordingly, plaintiff's motion is hereby DENIED, without prejudice to plaintiff's renoticing the motion in accordance with Civil Local Rules of this District. See Civil L.R. 7-2(a) (providing motion "must be filed, served and noticed in writing . . . not less than 35 days after service of the motion").

**IT IS SO ORDERED.**

Dated: June 26, 2006

  
MAXINE M. CHESNEY  
United States District Judge